

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 220 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

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NATIONAL DAIRY DEVELOPMENT BOARD

Versus

RAJNIKANT J CHAUHAN

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Appearance:

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CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

Date of decision: 03/11/98

ORAL JUDGEMENT (Per Patel, J.)

In the cause title of the appeal, the appellants are shown to be original petitioners and respondents are shown to be original respondents of Spl. C.A. No. 1262/82. However, on perusing the memo of petition of Spl. C.A. No. 1262/82, it is clear that sole petitioner Rajnikant J Chauhan, [respondent No.1 in the LPA] had filed the petition against the present appellants and one Shri Kanubhai M. Patel.

2. In the Special Civil Application No. 1262/82, learned Single Judge (Coram: P.D. Desai, J., as he then was) passed the following order on 29th April 1982 :-

"The petitioner has approached the Court at the stage of the show-cause-notice. The disciplinary proceedings have yet to conclude by an appropriate order made by the competent authority therein. Under the circumstances, the writ petition is rejected at this stage on the sole ground that it is premature and without entering

into the merits of the dispute.

It appears to the Court to be just and proper, however, to direct that the order of penalty, if any, passed against the petitioner in the disciplinary proceedings shall not be implemented for a period of fifteen days from the date of the service of such order upon the petitioner in order to enable him to take appropriate proceedings in a forum of his choice.

With the aforesaid direction, the writ petition stands summarily rejected at this stage."

3. The employer, National Dairy Development Board, Anand, has preferred this appeal against the order on the ground that the Court could not have passed an order giving protection to the petitioner by directing not to implement the outcome of the disciplinary proceedings after rejecting the petition, more particularly when the relations between the parties are governed under the provisions of Industrial Employment Standing Orders 1947 and Industrial Disputes Act, 1947 which provides a special and exclusive remedy in respect of any action taken by the employer.

4. The Registry has issued notices to the appellants as well as the respondents, but none has chosen to appear before the Court.

5. At the stage of show cause notice, the original petitioner had rushed to this Court, and the Court rejected his petition. We do not find any reason to interfere with the order passed by the learned Single Judge. Hence, this appeal stands dismissed with no order as to costs.

csm./ -----